

4223 (NEW) The system as defined in claim 41, wherein said predetermined criteria includes at least one of a period of time or asset usage.

REMARKS

Claims 1-15, and 17-20 have been cancelled without prejudice. Claims 21 through 42 have been added to the application. Therefore, claims 16 and 21-42 are currently pending.

Applicant's representative thanks for Examiner Hewitt and Examiner Trammel for the courtesy of a personal interview to discuss the claims and the nature of various claim rejections. In response to the two-way discussion, all but one of the existing claims was cancelled, and new claims have been added that more clearly articulates inventive features of the invention in view of the prior art of record and the discussion.

All of the claims were rejected using US Patent 6,141,629 to Yamamoto by itself or in combination with other references. Yamamoto discloses communication networks 40 and 50 in Figure 12. A plurality of trucks at a single location communicates in a wireless fashion with a monitoring station 20. The monitoring station includes a computer 21 that includes "an input device for inputting information pertaining to maintenance (in-house maintenance) performed by the user". Column 8, lines 65-67. As discussed in columns 9 through 12, computer 21 is essential to determine when maintenance is required and for indicating when a required maintenance is complete. Computer 21 is used to determine when maintenance is required and to inform a user when certain criteria is met. For example, at one point Yamamoto states "The fact that this maintenance due time has been reached is displayed on the screen of the display device for the computer 21." Column 11, lines 44-46. Computer 21 is connected to a plurality of other computers including "a managing computer 51 that manages and controls maintenance information." Column 9, lines 4-6. However, computer 51 does not analyze any of the maintenance information. Instead, as taught in Yamamoto, the analysis is conducted locally at computer 21.

The Examiner then rejected a number of claims combining Yamamoto with US Patent No. 5,959,577 to Fan and the Examiner's Official Notice. The Examiner relied on Fan for

the teaching of a communication link between a mobile unit and a data network with various input devices in the mobile unit. Fan is also used by the Examiner to teach the use of web nodes, web servers, web browsers, internet and internet addresses. To the extent that the Examiner relies on Official Notice that the presence of websites and the posting of information on websites is inherent to the claimed invention, applicant requests either a reference or a formal affidavit from the Examiner as provided in MPEP §2144.03.

Other claims were rejected using Yamamoto, Fan, and then a combination of US Patent No. 5,953,707 to Huang and US Patent No. 5,842,212 to Ballurio and also using Official Notice. Significantly, Huang has 224 columns. Huang is used solely for the concept of teaching report generation based on a predefined set of criteria where data is compared to a standard as discussed at column 36, lines 59-64. In general, Huang is directed to a decision support system for the management of an agile supply chain that provides an architecture including a server side and a client side.

The sole basis for using Ballurio is because a record of a database may include “warranty information” Column 6, line 24. Ballurio is directed to a system and apparatus for loading and retrieving information relating to a computer-implemented database management system for multiple source databases.

The Examiner takes Official Notice that “invoices regarding maintenance requests and service are well known to those of ordinary skill in the art of managerial information systems, industrial engineering and engineering technology. Hence, to automate such a process would have been obvious.” To the extent that the Examiner again takes Official Notice, applicant requests either a reference or a formal affidavit from the Examiner.

It is respectfully submitted that the claims, as pending, are patentably distinguishable from the prior art of record, and that the Examiner engaged in impermissible hindsight with respect to a rejection of a number of the claims as filed.

Claim 21 recites an analysis controller located at a second location remote from the local controller that is responsive to acquired data from a plurality of local controllers for

generating an analysis of the acquired data to determine whether maintenance is required without any human intervention. Thus, data is being aggregated for analysis from a number of different physical locations. This approach advantageously promotes analysis and the ability to adjust for trends associated with similar assets at distinct locations. In contrast, Yamamoto teaches that any analysis is generated using a computer 21 located at a local monitoring station 20.

Dependent claims 27 through 30 recite that there is a warranty associated with the asset and a plurality of responsible parties associated with the system. The analysis controller is configured to use at least a portion of the acquired data in automatically determining which of the responsible parties has responsibility in whole or in part for maintenance performed on the asset based on the warranty. See e.g., p. 12, lines 12-23 and p. 14, line 13 and following. None of the references of record teach the use of data to determine maintenance responsibility, including as based on a warranty associated with an asset. Nor is there any suggestion to combine any of the references of record to provide such a teaching. There is absolutely no reference to maintenance responsibility based on warranty information in Yamamoto and Ballurio simply includes a database record including warranty information, let alone any suggestion to combine the references as suggested by the Examiner. Nor is there any teaching of the nature of the responsible parties, as recited in claim 28. Claim 29 recites that the analysis controller includes a record of the asset that includes the responsible parties, the nature of the responsibility, that the nature of the responsibility includes a factor based on the operating characteristic, and that the factor is either asset usage or date of service as recited in claim 30. The prior art of record does not teach these limitations.

Independent claim 31 includes the limitations of claim 21 and a number of the limitations of claim 27. Thus, it is respectfully submitted that independent claim is patentable. The limitation of having a warranty is recited in dependent claim 32, depending from claim 31. Claim 33 recites that the factor used to automatically determine responsibility is asset usage, while claim 34 recites that the factor used is date of service. Again, the prior art does not teach these limitations.

Independent claim 38 includes a number of the limitations of claim 27 and claim 29.

Thus, it is respectfully submitted that the claim is patentable over the prior art of record. Claim 39 includes additional limitations related to the specific use of a warranty as a basis for determining maintenance responsibility. Claim 40 includes the same limitations as claim 30.

Claims 25 and 36 include the generating management reports relating to the procurement and utilization of the asset. It is respectfully submitted that the elements of these claims are not suggested in the prior art of record when properly combined in the absence of hindsight. Similarly, claims 26 and 37 are patentable since in the environment of the claimed invention there is no suggestion of having the analysis controller configured to post the reports to a website maintained on the internet. In contrast, Yamamoto teaches the desirability of having computer 21 send the analyzed data to a separate managing computer 51. There is no suggestion to combine Yamamoto with Fan et al. and Official Notice as proposed by the Examiner.

Finally, claim 16 remains as filed with the exception of a correction involving a missing semicolon and a clarification that the method is performed automatically without human intervention. As discussed during the interview, it is Applicant's position that no showing has been made of the recited steps using prior art. Specifically, the prior art of record does not show the steps of generating a maintenance invoice when service is performed on the asset, wherein the maintenance invoice includes an indication of the amount of usage of the asset; the transmitting of the maintenance invoice to an administrative controller; the comparing of the indication of the amount of usage of the asset with a predetermined standard that is representative of a warranty period, and finally the generating of a warranty report if the amount of usage is less than the predetermined standard.

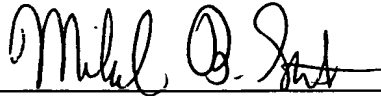
In view of the foregoing, it is respectfully submitted that claims 16 and 21-42 are in condition for allowance.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the

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name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael B. Stewart", is written over a horizontal line.

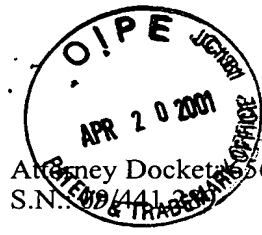
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Marked Up Version of Amended Claim

16. (Once Amended) A method for automatically gathering and analyzing data without human intervention relating to an asset comprising the steps of:

- (a) generating a maintenance invoice when service is performed on the asset, wherein the maintenance invoice includes an indication of the amount of usage of the asset;
- (e) transmitting the maintenance invoice to an administrative controller;
- (f) comparing the indication of the amount of usage of the asset with a predetermined standard that is representative of the warranty period; and generating a warranty report if the amount of usage is less than the predetermined standard.

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